

REMARKS

Applicant respectfully submits that the present application, as amended, is in condition for allowance.

Claims 14-17, and 19-25 are now present in this application, of which claims 14 and 25 are independent. By this amendment, claim 18 has been cancelled, without prejudice or disclaimer, and the specification and claims 22 and 23 have been amended.

Reconsideration of this application, as amended, is respectfully requested.

Request for Withdrawal of Finality of Office Action

Applicant respectfully submits that the Office Action fails to establish a *prima facie* case of obviousness in rejecting independent claims 14 and 25. Explanation of the deficiencies of the rejections will be set forth below.

Reasons for Entry of Amendments

It is respectfully requested that this Amendment be entered into the Official File in view of the fact that the amendments to the claims automatically place the application in condition for allowance.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered for the purpose of appeal. This Amendment reduces the issues on appeal by placing the claims in compliance with 35 U.S.C. § 112, 1st and 2nd Paragraphs, and by amending previous independent claim 23 to depend from independent claim 14.

This Amendment was not presented at an earlier date in view of the fact that Applicant did not fully appreciate the Examiner's position until the latest Office Action was reviewed.

Claim Objections

The Examiner has objected to claim 18 because the term “clamp shaft” has not been adequately defined. While not conceding to the appropriateness of the Examiner's objection, claim 18 has been cancelled in order to advance prosecution of the present application.

Rejection under 35 U.S.C. § 112, 1st Paragraph

Claims 14-22 and 25 stand rejected under 35 U.S.C. § 112, 1st Paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

The rejection of claims 14-22 is respectfully traversed because FIG. 11 of the present application clearly shows the ejection roller assembly 95 located outside of the refill cartridge 120. As such, the wall of the refill cartridge having the outlet 125 prevents the ejection roller assembly 95 from contacting first and second sheets 127a and 127b. The specification has been amended accordingly to provide written description support as supported by at least FIG. 11 of the present application.

The rejection of claim 25 is respectfully traversed because FIGS. 9 and 11 clearly show a refill cartridge 120, also having an external box 130, located in the tape cassette 106. See also page 10, ll. 25-27 and page 11, line 19 to page 12, line 3.

Applicant respectfully submits that claims 14-22 and 25 comply with the written description requirements of 35 U.S.C. § 112, 1st paragraph. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejection under 35 U.S.C. § 112, 2nd Paragraph

Claims 18, 22, and 25 stand rejected under 35 U.S.C. § 112, 2nd Paragraph. This rejection is respectfully traversed.

The Examiner has set forth certain instances wherein the claim language lacks antecedent basis or is not clearly understood.

As noted above, while not conceding the appropriateness of the Examiner's rejection, claim 18 has been cancelled.

With regards to claims 22 and 25, Applicants submit that the claimed fork pipe is a structural element that includes a through hole to cooperate with a corresponding rotational shaft and can either support a tape roller or the ends of sheets to be rolled up. As such, the structural element can be a roller but is not limited thereto.

Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejection under 35 U.S.C. §§ 102 and 103

Claims 23 and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Garland; claims 14, 16, 18, 21, and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Garland in view of Gayoso; claims 14, 15, 17, 18, 21, and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ross in view of Gayoso; claims 19 and 20 appear to be rejected under 35 U.S.C. § 103(a) as being unpatentable over Ross in view of Gayoso and Stephenson; and claim 25 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ross in view of Oglander. These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

At the outset, claim 23 has been amended to depend from claim 14, thereby automatically rendering the rejection of claim 23 under 35 U.S.C. § 102 moot.

Claims 14-17 and 19-24

Independent claim 14 recites a combination of elements in a tape supplier including a tape cassette having a tape roll with a plurality of tapes inserted between two sheets, the tape cassette including “a first rotational shaft rotatably supporting the tape roll,” “a second rotational shaft configured to collect one of the two sheets by winding the same in a roll about the second rotational shaft,” “a third rotational shaft configured to collect the other of the two sheets by winding the same in a roll about the third rotational shaft,” and “a tape ejection roller assembly outwardly ejecting individual tapes of the plurality of tapes from which the two sheets are removed, the tape ejector roller assembly contacting only said individual tapes and not said sheets. The tape supplier also includes a tape cassette driver driving the tape cassette, the tape cassette driver being configured to drive the second and third rotational shafts.”

Applicant respectfully submits that this combination of elements as set forth in independent claim 14 is not disclosed or made obvious by the prior art of record, including Garland, Ross, Gayoso, Stephenson, and Oglander.

Regarding the hypothetical combination of Garland and Gayoso, Applicant notes that Garland is directed to a dispenser for bandages. The dispenser delivers uncovered bandages to an outlet chute. The dispenser includes a spool holding a supply of bandages between two sheets of cover paper, two pressing rollers to cause the spool to unwind, and two stripping rollers to

remove the cover paper to free the bandage. The dispenser includes a manually operated lever that causes the pressing rollers to rotate. Once free, the bandage is delivered to the outlet chute via gravity. See FIG. 1, abstract, and col. 3, ll. 34-51.

Gayoso is directed to a print media coating device to coat printed media with a film of clear flexible material. See paragraph [0002]. Therefore, while Garland is directed to a manually operated device designed to remove sheets, Gayoso is directed to a device that adds coating materials. Clearly, Garland and Gayoso are in different fields of endeavor.

Moreover, the bandage dispenser of Garland is configured so that the bandages are free to drop into chute 14 to be gathered by the operator of Garland. Therefore, there is no need to propel the bandages forward in Garland. On the other hand, in Gayoso, the exit drive roller 86 and pinch roller 88 propel media sheet 42 out of the coating device to the output tray 72. This is necessary in Gayoso because the outlet to output tray 72 is spaced a significant distance from the actual coating mechanism which the media sheet 42 must traverse.

As such, one of ordinary skill in the art would not look to the teachings of Gayoso to modify a manually-operated, gravity-feed bandage dispenser to include an exit drive roller 86 and pinch roller 88 as taught by Gayoso.

Stephenson and Oglander were cited for teaching unrelated to the deficiency noted above regarding Garland and Gayoso.

Regarding the hypothetical combination of Ross and Gayoso, Applicant notes that Ross is also directed to a device for dispensing bandages that involves removing two sheets to expose a bandage while Gayoso is directed to a device that adds coating materials. Clearly, Ross and Gayoso are also in different fields of endeavor.

As seen in FIG. 4 of Ross, idle rollers 130 and 131 are located adjacent slot 119 used to dispense bandages 53. Because of the arrangement of the idle rollers 130 and 131 and the slot 119, the bandage 53 passes through the slot 119 while still being held between idle rollers 130 and 131. As such, there is no danger in the bandages 53 from not reaching the slot 119. Accordingly, one of ordinary skill in the art would not look to the teachings of Gayoso to modify the bandage dispenser of Ross.

Stephenson and Oglander were cited for teaching unrelated to the deficiency noted above regarding Garland and Gayoso.

Finally, the Examiner has cited case law to allegedly establish that the tape and two sheets are not further limiting of the claims and that the apparatus structure of the hypothetical combinations above are inherently capable of being used in the manner intended by the Applicant. Applicants respectfully disagree.

The limitations of the tape and the functions achieved by the rotational shafts and tape ejection roller assembly do in fact structurally define the arrangement of the rotational shafts and tape ejection roller assembly as claim 14 specifically requires them to be arranged in such a manner that the tape ejector roller assembly contacts only the individual tapes and not the sheets. Clearly, Garland and Ross, taken alone, could not achieve this result. And as established above, one of ordinary skill in the art would not look to Gayoso to overcome the deficiencies of Garland and Ross.

Applicant respectfully submits that the combination of elements as set forth in independent claim 14 is not disclosed or made obvious by the prior art of record, including Garland, Ross, Gayoso, Stephenson, and Oglander, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

With regard to dependent claims 15-17 and 19-24, Applicant submits that these claims depend, either directly or indirectly, from independent claim 14, which is allowable for the reasons set forth above, and therefore claims 15-17 and 19-24 are allowable based on their dependence from claim 14. Reconsideration and allowance thereof are respectfully requested.

Claim 25

Independent claim 25 recites a combination of elements in a tape supplier including a tape cassette, a tape cassette driver, and a box for holding a tape roll. The tape cassette having a tape roll with a plurality of tapes inserted between two sheets, a first rotational shaft rotatably supporting the tape roll, a second rotational shaft configured to collect one of the two sheets by winding the same in a roll about the second rotational shaft, a third rotational shaft configured to collect the other of the two sheets by winding the same in a roll about the third rotational shaft, and a tape ejection roller assembly outwardly ejecting a tape from which the two sheets are removed. The tape cassette driver drives the tape cassette and is configured to drive the second and third rotational shafts. The box for holding the tape roll is located in the tape cassette and includes a first fork pipe having a through hole at the center, the first fork pipe supporting the

tape roll, a second fork pipe having a through hole at the center, the second fork pipe having an end of one of the two sheets fixed thereto, and a third fork pipe having a through hole at the center, the third fork pipe having an end of the other of the two sheets fixed thereto. The box also includes a through hole corresponding to each of the first, second, and third fork pipes such that the first, second and third rotational shafts extend therethrough and are received in the corresponding through hole of the first, second, and third fork pipes, respectively.

Applicant respectfully submits that this combination of elements as set forth in independent claim 25 is not disclosed or made obvious by the prior art of record.

In rejecting independent claim 25 over Ross in view of Oglander, the Examiner alleged that Ross discloses box 110 in the tape cassette. Applicant respectfully disagrees. Ross clearly discloses that the element 110 is the casement for the dispenser. As such, the casement 110 cannot be located in the tape cassette, as claimed.

Oglander was not cited for overcoming this deficiency of Ross.

Applicant respectfully submits that the combination of elements as set forth in independent claim 25 is not disclosed or made obvious by the prior art of record, including Ross and Oglander, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

In particular, Garland and Ross fail to disclose a box located in the tape cassette and the particulars of the box including a through hole corresponding to each of the first, second, and third fork pipes such that the first, second and third rotational shafts extend therethrough and are received in the corresponding through hole of the first, second, and third fork pipes, respectively.

Stephenson fails to overcome the deficiencies noted above regarding Garland and Ross.

Applicant respectfully submits that the combination of elements as set forth in independent claim 25 is not disclosed or made obvious by the prior art of record, including Garland, Ross, and Stephenson, for the reasons explained above. Accordingly, consideration and allowance of independent claim 25 are respectfully requested.

Office Action

The Office Action contains numerous characterizations of the invention, the claims, and the cited art, with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad D. Wells, Registration No. 50,875 at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

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Respectfully submitted,

By 

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